IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 11064 of 2007(P)

PETITIONER:

M.K.JOSEPH,
MANNUR HOUSE, NELLIPPARA P.O., ALAKKODE.

BY ADV. SRI.V.C.JAMES
SRI.GEORGE MECHERIL

RESPONDENTS:

---

1. THE KERALA STATE HOUSING BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

2. ASSISTANT SECRETARY,
KERALA STATE HOUSING BOARD, KANNUR DIVISION,
THAVAKKARA, KANNUR-2.

BY ADV. POOVAPPALLY M.RAMACHANDRAN NAIR,SC.KSHB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO.11064 of 2007

Dated this the 11th day of April, 2007

JUDGMENT

The petitioner is a defaulter in repayment of loan amount due to the first respondent Board. The petitioner challenges proceedings for recovery initiated by the respondents. The petitioner seeks benefit of one time settlement scheme.

2. However, the learned counsel for the petitioner submits that the petitioner is prepared to pay the amounts, if he is allowed to pay the amount in instalments. The counsel for the respondent opposes the prayer. He submits that already sufficient reduction in interest has been granted to the petitioner. According to the counsel, the petitioner was directed to pay the amount before 31.3.2007 and the petitioner has not cared to pay the amount.

3. Having heard both sides, I feel that some indulgence can be shown to the petitioner in the matter of payment of the balance amounts due in instalments. Accordingly, I direct the

respondents to permit the petitioner to pay the balance amounts due in four equal monthly instalments starting from 1.5.2007. Subsequent instalments shall be paid on the first working day of every succeeding month. If the petitioner pays the instalments in time as directed above further proceedings for recovery shall be kept in abeyance. However, if the petitioner commits default in payment of any one of the instalments, the respondents would be free to continue recovery proceedings, as now initiated, without having to issue any fresh notice or proceedings in that regard.

S.SIRI JAGAN, JUDGE

CSS